

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN R. CREEL,

Defendant.

)
)
)
)
)
)
)
)
)
)

CASE NO. 8:13CR37

ORDER

This matter is before the Court on the Defendant's Motion to Appoint Counsel (Filing No. 68), for purposes of preparing his motion under 28 U.S.C. § 2255.

Motions filed under § 2255 are filed pro se and without payment of a filing fee. After reviewing the appropriate statutes and rules, if the Defendant deems it necessary he may move for in forma pauperis status and appointment of counsel when he files his § 2255 motion. When the Court reviews his § 2255 motion on initial review, the Court will determine such issues raised together with the § 2255 motion. Counsel may not be appointed to assist with the initial filing of a § 2255 motion. For these reasons, the motion is denied as premature.

IT IS ORDERED:

1. The Defendant's Motion to Appoint of Counsel (Filing No. 68) is denied without prejudice;
2. The Clerk shall mail the appropriate form for filing a motion pursuant to 28 U.S.C. § 2255 to the Defendant; and
3. The Clerk shall mail a copy of this Order to the Defendant at his last known address.

DATED this 26th day of February, 2015.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge